

**TOWN OF NORTHFIELD  
BOARD OF SELECTMEN  
PUBLIC HEARING & SPECIAL MEETING  
Minutes of October 3, 2006**

Prior to the Special Selectboard Meeting, a Public Hearing was held for the purpose of obtaining written or oral views on the Warned Town Article to be voted upon by Australian Ballot on Tuesday, November 7, 2006. The Australian Ballot Article in question is the proposed adoption of a Town Charter for the Northfield Municipality as submitted by petition to the Town Selectmen on August 3, 2006.

Selectboard Chair Donald Wallace called the Public Hearing to order at 7:00 p.m.

Chair Wallace then set ground rules for the meeting. Physical intimidation is out of order. He assumes that the charter's proponents have the best interest of the community in mind. Everyone understands that the form that this proposed charter has been submitted cannot be altered by the Selectmen. People are limited to five (5) minutes of speaking at a time.

Linda Barrows stated that since four (4) of five (5) Selectmen have made up their mind and adopted a resolution in opposition to the charter, she believes that they should not be running this public hearing. She would like to address her concerns directly to the committee that wrote the charter. Chair Wallace refused her request. Ms. Barrows is a Town resident who is trying to decide how to vote. If this charter passes, would it give Town residents more control at Town Meetings as compared to Village voters? The attorney retained by the Northfield Citizens for a Better Community (NCBC), Paul Gilles, addressed this matter. He stated that although the Village does have its own charter, this charter would apply equally to all Northfield residents, whether or not they reside within the current Village boundaries.

Richard Cleveland then read a prepared statement. Among his concerns was that this charter would give the Selectmen the right to meddle in affairs that they should not. He stated that the town manager form of government has worked well in Northfield since it was adopted in 1942 and should not be changed by this charter.

Anne Donohue stated that, as a private citizen, she felt that the Selectboard should not have passed the resolution in opposition to the charter before the second public hearing was held. She felt that some members of the Board made up their minds before hearing from the citizens. The question should be over whether a charter is needed and is this the right one. She does not believe that the process that was set up (us/them choice) can help people come to decisions. He believes that the Selectmen should withdraw their resolution and work with the citizens on this. She added that, as a state representative, she has reviewed the process that the charter will face in the state legislature and learned that it would probably go through as written unless there is divisiveness in Northfield on this issue. Let there be no question, she will represent the desires of the majority of Northfield on this issue. If the charter vote fails, she hopes the Selectboard will hear the message of the group that supports this charter. Clearly there is a need for leadership that is more open to dialogue.

Gary Cohen said that the charter is not perfect as it is currently written. However, neither is the U.S. Constitution. It is his personal belief that after reading it, the state legislators in Montpelier would return it for certain minor changes, including the ability to amend the charter. One of the major needs is that it gives the Town (Selectboard) the ability to pass ordinances that are laws, not mere suggestions, with criminal possibilities instead of only civil compensation. If the registered voters in Northfield approve it and members of the Selectboard is not willing to look at it, or adhere to it, he would expect their immediate resignations. He seconds Ms. Donohue's request that the Selectboard rescind their resolution.

Charlie Morse had a question for Mr. Gilles. He has heard from its proponents that this charter only gives guidance to the town. However, an approved charter would have the effect of law. Is it law or guidance? Mr. Gilles stated that the charter, if adopted by vote, replaces inconsistent state law with the provisions of this charter. It would be fundamental and binding law to the state.

Charlie Morse then asked if the town manager form of government, which was approved by Northfield voters as a separate Town Meeting article, would be revoked by this charter. Mr. Gilles stated that the charter does not address the ability to do that. The law would remain in effect and give voters the ability to undo the town manager form of government with a vote.

John Lyon had a question about the recall provision of the charter. How does that serve the public purpose as far as prohibiting people from running for any Town office for five (5) years if recalled? Is this provision constitutional? Mr. Gilles believes that recall provision, including the five (5) year prohibition, would NOT be in violation of the Vermont Constitution. However, if the Vermont Attorney General does object to it, it would be struck from the charter while it is before the state legislature (as was a previous Barre charter provision that called for term limits). He notes that Berlin's charter also has a recall provision but it has never been used. It is a safety measure.

Steve Jeffrey is concerned about the section that states that the support of emergency services should be budgeted according to usage. Does that mean that if he does not have a fire, he does not have to pay for the Fire Department? He is unsure how the Selectboard would be able to figure this out for payment. The charter would make the Selectboard responsible to appoint the working highway foreman, police chief, fire chief, etc. If Selectboard appoints but the town manager has responsibility to assign duties, who does the appointed person answer to? If we send something to the legislature that is flawed, they can tinker with it. Some people are hoping that the legislature is going to fix the problems but that's not a good solution. He urges Town voters to oppose this charter.

Nelson Hoffman said that he has spent time reviewing other Vermont town charters online. Regarding the recall provision, he found that the majority of charters do not have this (and neither does state law). The proposed Northfield charter states that that a petition with the signatures of 10% of registered voters will trigger a recall vote. Of the other charters with provisions for recall of elected officials, the lowest figure is Hardwick with 25%. Berlin has a 30% threshold. Why is the threshold so low for Northfield? Mr. Gilles stated that 10% is actually double the amount needed (5%) to put an item up for public vote (such as this charter). Sometimes you can put numbers in the charter for recall that are impossible to meet.

Charlie Morse said that it has been confirmed tonight that the charter has the effect of law. Under the section entitled "Specific Conflicts" (§ 130-122), it states that a town officer shall be disqualified if he/she has "previously expressed an opinion as to the proper disposition of a specific case or controversy involving the exercise of his/her discretion." Therefore, if you're doing your job properly (i.e. asking questions and expressing opinions), you'll be disqualified from voting on an issue. A Town charter is desperately needed but this is not the way to go about getting it. He believes that the Selectboard's resolution was proper.

Dexter Landers has served on various Town and Village boards and has been Chair of the Zoning Board of Adjustment the past twenty (20) years. However, he now is speaking as private citizen. Northfield is one of the most sophisticated communities in Vermont. We have water, sewer, electricity, roads to be taken care of, etc. The Village was separated from the Town and provided a charter to address specific issues, i.e. utilities. The town manager type of government is important to Northfield. This would gut that. The whole thing is a sham. If those want to step up, join the boards. He urges town voters to vote no on this charter.

Nate Freeman stated that he appreciated the effort of those who produced this document. However, it is his opinion that it is lacking and legally unsound. He believes that the reason behind this charter coming up at this time is that certain people are opposed to merger. He feels that this charter would prevent merger from happening. When the divisiveness reaches such a level in this community, as it has, it raises questions. This particular document should not be put toward the legislature and needs to be reviewed in more depth.

Richard Suitor stated that he does not think this charter is ready yet and objects to some of the content. He agrees with Ms. Donohue that if it was turned down and some sort of process was instigated with the Selectboard to prepare a new charter, in the end we would get something we all could live with.

Meg Donohue-Davis also is confused by that wording that funding for emergency services would be budgeted according to usage. This funding should be shared. Regarding the entire document, there are too many “what ifs” and not enough specifics in it.

Caroline Gillespie stated that “usage” refers to the Town and Village, not individuals. Emergency services currently are budgeted according to the Village and Town usage. If Village residents use more services, they should pay more.

Bob Tucker stated that this is a simple document that is not intended to hurt anyone. The NCBC thought it was time for more accountability in local government. Regarding the recall provision, it won’t hurt you if you don’t provoke something to use it. This is a simple charter that is a start. It should be approved and we’ll be on the right path.

Paul Gilles stated that this charter is not as defective as some people believe. If rejected, it can be shelved, it can be returned, or it can be sent back for ratification vote.

Linda Barrows stated that the charter is well-written. She thinks it scares people because it’s in writing.

Chair Wallace stated that utilities are entirely user-funded; there is no charge or tax to non-users. Police, Fire, and Ambulance are in the Town General Fund. Everyone in Town pays his/her share based on property values.

Selectman Ken Johnson, speaking as citizen, had two questions. How will this charter help the town of Northfield? How, if this is adopted, will this affect the day-to-day operations for the Selectboard?

Paul Gilles stated that the day-to-day operation of the Town would be unaffected. He feels that it would improve things because once you have a charter, you can improve it. It is a work in process and it is much easier to amend what you have as opposed to starting from scratch.

There being no further comments from the public, Chair Wallace asked the other Selectmen for their views of the proposed charter.

Selectman Michael Demasi thanked Ann Donohue and Gary Cohen for the reminders on who we work for. He knew whether or not he was opposed to the charter when he read it; he did not have to wait for others to speak on it. In his view, it is not in the best interest of the Town.

Selectman Roger LeClair said that he felt left out of the process in that there was no input from anyone other than those that submitted the document (“6 or 7 people”); regardless of who they are, this document needed more input. With more input, it could have been a much better document. He is opposed to the charter as written.

Selectman Melvin Adams stated that, contrary to what has been said this evening, this is not a simple document. It makes significant changes in the way Northfield is governed. By state statute, there are substantive differences between the responsibilities of a Town Manager and a Town Administrator; it is not just a matter of what you call the person. Six (6) years ago, the Selectmen were approached regarding a town charter (06/12/00). At that time, they did not feel the need for one. This is a solution without a problem and a poor solution at that. He is not opposed to a town charter in general but is opposed to a charter that has been put forward without public review. Almost all town charters are from land grants in the 1700s and not appropriate for governing in the twenty-first century. The proposal fails to explain why we need a charter at this time. We are told that this charter restores power to the people but no one explains where the people have lost control. There is nothing in the resolution passed last week by the Board that states that the Board would not support the charter if it passed.

Chair Donald Wallace said that he has tried to conduct these public hearings as impartially as possible. He also is not opposed to the idea of a town charter but is opposed to this one. This charter was put forward by a small group and does not represent Northfield as a whole. There’s been no input by anyone in the public except the few citizens involved. He supported the Board’s resolution and will not support this charter.

Chair Wallace closed the Public Hearing at 8:40 p.m.

After a brief recess, Chair Wallace called the special meeting to order at 8:43 p.m.

- I. **ROLL CALL:** Chair Donald Wallace, Selectmen Melvin Adams, Michael Demasi, Roger LeClair, Kenneth Johnson. Also present were Manager Nanci Allard, Clerk Samantha Baraw, and Warren Hagy.
- II. **PUBLIC PARTICIPATION:** none.
- III. **DISCUSSION**
  - a. **Approval of Special Town Meeting Warning (Proposed Town Charter).** It was determined that the warning before the Board this evening was incorrectly worded. A special meeting will be held on Thursday, October 5, 2006 at 6:00 p.m. in the Municipal Building. The only agenda item will be the approval of a corrected warning.
- IV. **PUBLIC PARTICIPATION: Non-agenda items**
- V. **ADJOURNMENT.** Motion to adjourn by Selectman Demasi, seconded by Selectman LeClair.  
**Motion passed 5-0-0**

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

*Samantha H. Baraw*

Samantha H. Baraw, Clerk

These minutes are subject to approval at the next regular meeting.